

STATE OF MICHIGAN, COUNTY OF CALHOUN

37th CIRCUIT COURT

} HONORABLE ALLEN L. GARBRECHT
} CHIEF CIRCUIT COURT JUDGE

CALHOUN COUNTY PROBATE COURT

} HONORABLE MICHAEL L. JACONETTE
} CHIEF PROBATE COURT JUDGE

10TH DISTRICT COURT

} HONORABLE JOHN R. HOLMES
} CHIEF DISTRICT COURT JUDGE

Joint Administrative Order C37 2011-06J, D10 2011-04J, P13 2011-03J

RE: REQUEST FOR ACCOMMODATIONS BY PERSON WITH DISABILITIES

This administrative order is issued in accordance with MCR 8.110(3)(a) and (b); MCR 8.110(6) and MCR 8.111;

The Circuit, Probate and District Courts for Calhoun County in accordance with the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 establishes the following procedure, effective June 15, 2011, with regard to the request for accommodations by persons with disabilities.

The purpose of this order is to assure that qualified individuals with disabilities have equal and full access to the judicial system. Nothing in this order shall be construed to impose limitations or to invalidate the remedies, rights, and procedures accorded to any qualified individuals with disabilities under state or federal law.

1. **Definitions**

The following definitions shall apply under this order:

- a. "An individual with a disability" means a person covered by the Americans with Disabilities Act of 1990 (42 USC 12101 *et seq.*) and the ADA Amendments Act of 2008, and includes individuals who have a physical or mental impairment that substantially limits one or more major life activity, has a record of such an impairment or are regarded as having such an impairment.
- b. "Qualified Individual with a Disability" means a person who meets the essential eligibility requirements for participation in any program, service, or proceeding in a court in Michigan. This not only includes persons involved in a case, such as lawyers, parties, witnesses, or jurors, but also includes spectators or anyone else who is eligible to participate in a program, service, or proceeding in a court in Michigan.
- c. "Accommodation(s)" may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing at no charge

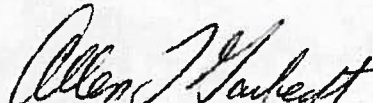
to the qualified individuals with disabilities, auxiliary aids and services, which may include equipment, devices, materials in alternative formats, and qualified interpreters or readers; making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. In order to ensure that court services are accessible, access may be provided by various methods including alteration of existing facilities, acquisition, or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate sites. The court will consider the preferences of the individual requesting the accommodation when responding to the request. The court will not place a surcharge on a particular individual or group of individuals to cover the cost of accommodation.

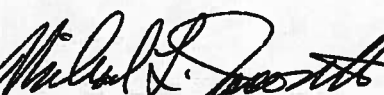
- d. "Confidentiality" applies to the identity of the applicant in all oral or written communications, including all files and documents submitted by an applicant as part of the application process.
- 2. **Application procedure**


The following procedure for requesting accommodations is established:

 - a. Applications requesting accommodations pursuant to this policy may be presented in writing, on a form approved by the State Court Administrative Office and provided by the court, or orally as the court may allow. Applications should be made to Katherine Ambrose, the ADA Coordinator at 161 E. Michigan Avenue Battle Creek, MI 49014.
 - b. All applications for accommodations shall include a description of the accommodation sought along with a statement of the functional impairment that necessitates the accommodation. The court, in its discretion, may require the applicant to provide additional information about the qualifying impairment.
 - c. Applications should be made as far in advance of the requested accommodation implementation date as possible.
 - d. Upon request, the court shall maintain the application form in a separate, confidential file so as not to reveal the applicant's identity or other information contained in the application for accommodation.
 - e. If the applicant is a party in a pending case, the communications with the court shall deal only with the accommodation(s) necessary to provide access and shall not deal in any manner with the subject matter or merits of the proceedings before the court.
 - f. The Court shall grant an accommodation as follows:
 - i. In determining whether to grant an accommodation and what accommodation to grant, this court shall consider, but is not limited by, the applicable provisions of the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act of 1973, the state Deaf Persons Interpreters Act, 1982 PA 204, Michigan Handicapper Civil Rights Act, 220 PA 1976, and the Elliott-Larsen Civil Rights Act, 1976 PA 453.

- ii. The court shall inform the applicant in writing, or other accessible format the applicant needs, of the reasons and basis upon which a request for accommodation is either granted or denied.
- g. An application may be denied only if the court finds that:
 - i. The applicant has failed to satisfy the requirements of this order; or
 - ii. The requested accommodation(s) would result in a fundamental alteration in the nature of the program, service, or activity, or create an undue financial or administrative burden on the court.
- 3. **Review procedure**
 - a. An applicant whose request for accommodation has been denied or granted may seek review of a determination made by nonjudicial court personnel within five days of the date of the notice of decision by submitting a request for review to the chief judge.
- 4. **Duration of accommodation**
 - a. The accommodations by the court shall commence on the date indicated in the notice of accommodation and shall remain in effect for the period specified in the notice of accommodation. The court may grant accommodations for indefinite periods of time or for a particular matter or appearance.


Allen L. Garbrecht
Chief Circuit Judge
6.15.11
Date


Michael L. Jaconette
Chief Probate Judge
6-15-11
Date


John R. Holmes
Chief District Judge
6-15-11
Date

REQUEST FOR ACCOMMODATIONS	Court name and location
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Today's date

Instructions for completing form. Provide your name, address, and telephone number. Check the boxes which apply to you and provide any necessary details. When you have completed this request, please return it to the court at the above address.

1. Name			
Address			
City	State	Zip	Telephone no.

2. Court activity you need accommodations for:

☐ Hearing _____
Date

☐ Mediation meeting _____
Date

☐ Jury duty _____
Date(s)

☐ Other (specify): _____
include dates if relevant

3. What is the nature of your disability?

☐ Physical mobility impairment (wheelchair, walker, crutches, etc.)

☐ Speech impairment (specify): _____

☐ Visual impairment

☐ Hearing impairment (specify): ☐ deaf ☐ hard of hearing ☐ deaf-blind

☐ Other (specify): _____

4. What type of accommodation are you requesting?

☐ Interpreter for deaf (specify whether ASL, tactile, oral, etc.): _____

☐ Assistive listening device (specify): ☐ headphones ☐ neckloop ☐ computer-assisted real-time captioning (CART)
☐ other: _____

NOTE: To determine if other accommodations are available, contact the Division on Deaf and Hard of Hearing, 201 N. Washington Square, Suite 150, Lansing, MI 48913, telephone 517-335-6004, T/V toll free 877-499-6232, T/V fax 517-335-7773.

☐ Physical location accessible for persons with a physical mobility concern.

☐ Other (specify): _____

5. If the request for accommodation is denied or if the accommodation does not successfully establish effective communication, the applicant may file a grievance in accordance with the court's established grievance procedure. Upon request, the court shall provide the applicant a copy of the court's established grievance procedure.

For court use only